

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WENDELL E. SHEPARD
and HYLLE C. SHEPARD,

Plaintiffs,

vs.

CITIMORTGAGE, INC.;
EQUIFIRST CORPORATION; and
THE FEDERAL HOME LOAN
MORTGAGE CORPORATION;

Defendants.

Case No. 4:12CV00129 ERW


MEMORANDUM AND ORDER

This matter comes before the Court upon Plaintiffs' failure to show cause, pursuant to this Court's May 29, 2012 Order [ECF No. 19], why this action should not be dismissed as to Defendant Equifirst Corporation for failing to file proof of service upon said defendant within 120 days from the filing of the Complaint in this matter. Plaintiffs submitted a Motion to Oppose Dismissal [ECF No. 20] on June 12, 2012. The Court has examined Plaintiffs' response and finds Plaintiffs have failed to demonstrate why the action should not be dismissed as to Defendant Equifirst Corporation for lack of service.

Accordingly,

IT IS HEREBY ORDERED that the above-styled action is **DISMISSED without prejudice** as to Defendant Equifirst Corporation.

Dated this 18th day of June, 2012.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE